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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,560	08/25/2003	Terence Edwin Dodgson	678-1243	5160
7590 Paul J. Farrell, Esq. DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd. Uniondale, NY 11553		01/10/2007	EXAMINER HA, DAC V	
			ART UNIT 2611	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/10/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/648,560	DODGSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dac V. Ha	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 August 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 2, 17, 18** are rejected under 35 U.S.C. 102(b) as being anticipated by Womack et al. (US 5,982,819) (hereafter Womack).

**Regarding claim 1,** Womack discloses all claimed subject matter “A modulating device for modulating and demodulating data for transmission from a first device to a second device, comprising modulating means capable of modulating and demodulating the data according to at least a first and a second modulation technique using common digital modulation components” in Abstract; col. 2, line 30-40, wherein the controller (Fig. 1, element 107) discloses “common digital modulation components”.

**Regarding claims 17, 28,** see claim 1 above.

**Regarding claim 2,** Womack further discloses “a plurality of building blocks, wherein at least one of said building blocks is used for at least one of modulating and demodulating data according to said at least first and second modulation techniques” in Fig. 1, 2, all elements.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Womack in view of Admitted Prior Art.

**Regarding claim 3,** Womack further discloses the claimed subject matter “a programmable finite impulse response filter” (col. 9, line 37); “a look-up table” (Fig. 4, element 401; col. 5, line 64 to col. 6, line 3). Womack differs from the claimed invention in that it doesn’t disclose “a serial-to-parallel converter”. However, the Admitted Prior Art (APA) (instant application, Fig. 5; page 10) discloses that for certain type of modulation signal used, a “serial-to-parallel converter” may be needed. Womack discloses a system, which has flexible resources for adaptively accommodate any type of modulation techniques (Abstract; col. 3, lines 4-5; col. 4, lines 5-6). Therefore, it would have been obvious to one skilled in the art at the time of the invention to easily utilize, i.e. “a serial-to-parallel converter”, as that disclosed in the APA, into Womack when there such a need for accommodate such modulation signal.

**Regarding claim 4,** Womack further discloses the claimed subject matter “wherein said programmable finite impulse response filter is programmable to a first and a second mode for said first and second modulation techniques, respectively” in col. 9, lines 33-41. That is, the first mode is when FSK is utilized and FIR used, and the second mode is when the signal utilized is not FSK and FIR is not used in the process.

**Regarding claims 5-16**, these claimed subject matter would have been easily realized by one skilled in the art as application specific (i.e. as described the APA of the instant application).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Needham et al. (US 5,764,699) discloses Method And Apparatus For Providing Adaptive Modulation In A Radio Communication System.

Wilson (US 5,602,868) discloses Multiple-Modulation Communication System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dac V. Ha whose telephone number is 571-272-3040. The examiner can normally be reached on 5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-3086. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Dac V. Ha".

Dac V. Ha  
Primary Examiner  
Art Unit 2611